

anything that has been lost or destroyed. Given Defendant's failure to cooperate throughout the discovery process, the Court finds that such an order is appropriate.

Accordingly, in complying with the Court's ORDER below, Defendant shall:

1. Identify which offices and file rooms Defendant searched and when, who searched the offices and file rooms, what computer drives were searched, what key words were searched, what employee files and emails were or are being searched, whether deleted emails have been searched and the parameters of the search, and when each search was conducted; and
2. Declare any documents that have been lost, discarded, or destroyed in a complete and verified response to Interrogatory No. 40 and identify everyone who had access to the documents as well as any other persons who lost, discarded, or destroyed them.

The Court also finds that Plaintiffs are entitled to an award of their costs including reasonable attorneys' fees incurred in preparation of this Motion.

Entry of judgment, waiver of defenses, and the imposition of monetary sanctions are remedies available under Rule 37 for a party's failure to obey rules governing discovery and orders of the District Court. See Fed. R. Civ. P. 37(b)(2)(C); National Hockey League v. Metro. Hockey Club, 427 U.S. 639, 643 (1976); Mutual Fed. Sav. & Loan v. Richards & Assocs., 872 F.2d 88, 92 (4th Cir. 1989); Wilson v. Volkswagen of America, Inc., 561 F.2d 494, 504-04 (4th Cir. 1977).

The Court warns Defendant that failure to comply fully with the Court's Orders (documents ##79 and 82), to respond to any other of Plaintiffs' reasonable discovery requests, or to otherwise comply fully with any of the Court's other Orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions. **Sanctions may include Defendant or Defendant's**

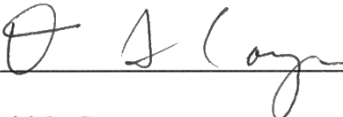
counsel being ordered to pay Plaintiffs' costs including reasonable attorney's fees in their entirety and may also include entry of judgment.

IT IS HEREBY ORDERED that:

1. "Plaintiffs' Motion for Sanctions" (document # 84)" is **GRANTED IN PART** and **DENIED IN PART**. Within fifteen days of the date of this Order, Defendant shall fully comply with the Court's Orders (documents ##79 and 82) by serving complete verified supplemental discovery responses to the subject discovery requests. If Defendant contends that it has fully responded to a particular discovery request, it shall so state in a verified discovery response.
2. Plaintiffs are **AWARDED** their costs including reasonable attorneys' fees incurred in preparation of this Motion. Within seven days, Plaintiffs' counsel shall submit an affidavit of costs and attorneys' fees incurred in preparation of this Motion.
3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: September 10, 2021



David S. Cayer
United States Magistrate Judge

